

EVIDENCE BASED DECISION  
MAKING  
FROM PRINCIPLE TO PRACTICE

ICCA CONFERENCE

RENO NV  
SEPTEMBER 2013

# WHERE WE STARTED

- **Eau Claire County – CJCC was Established by County Board resolution in September of 2006**
- **Strong continuous support from all Criminal Justice Leaders**
  - **ALL sit on the CJCC Council**
- **2007 - Requested the National Institute of Corrections to complete a Local Justice System Assessment**
- **October 2008 – Hired CJCC Coordinator**
- In 2010, The National Institute of Corrections in conjunction with the Center for Effective Public Policy, The Carey Group, the Pretrial Justice Institute, and the Justice Management Institute, solicited grant applications from jurisdictions throughout the United States to participate in a three-phase grant process to implement evidence-based decision-making (EBDM) processes.
  - **October 2010 – Eau Claire County Selected as ONE of SEVEN seed sites in the NATION for Phase II of the EBDM initiative**
  - **August 2011-Eau Claire County selected as ONE of THREE Nationwide to move forward to Phase III of the EBDM Implementation process**

# EBDM VISION

- To advance justice system policies and practices in ways that reduce harm and improve defendant and offender outcomes.
- The purpose of this training is to help you put evidence-based theory into practice in your courtrooms by giving you real life examples and resources specific to your location.

# EVIDENCE BASED DECISION MAKING INITIATIVE

**Phase 1 (2009-2010)**

**Research**

**Development of Framework**

**Phase 2 (Sept 2010-Aug 2011)**

**7 Counties**

**Technical Assistance**

**Phase 3**

**7 County Implementation**

THE FRAMEWORK IS  
GROUNDED IN  
FOUR KEY PRINCIPLES

# PRINCIPLE #1

The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.

Examples: use of risk tools; effectiveness of interventions under certain conditions

**Evidence-based knowledge does not replace discretion but instead, informs decisions.**

## PRINCIPLE #2

Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.

Examples: law enforcement officer at the point of arrest, pretrial officer at assessment, judicial officer on the bench

**To be effective, justice system players must understand how their interactions influence others and have the knowledge and skills to enhance this influence.**

## PRINCIPLE #3

Systems achieve better outcomes when they operate collaboratively at the individual, agency, and system levels

Example: Establishment of policy teams and operational protocols that define how others will be consulted and decisions made

**Decision making responsibilities remain at the individual and agency level, however under the collaborative approach, input is received and other's interests are taken into account.**



## PRINCIPLE #4

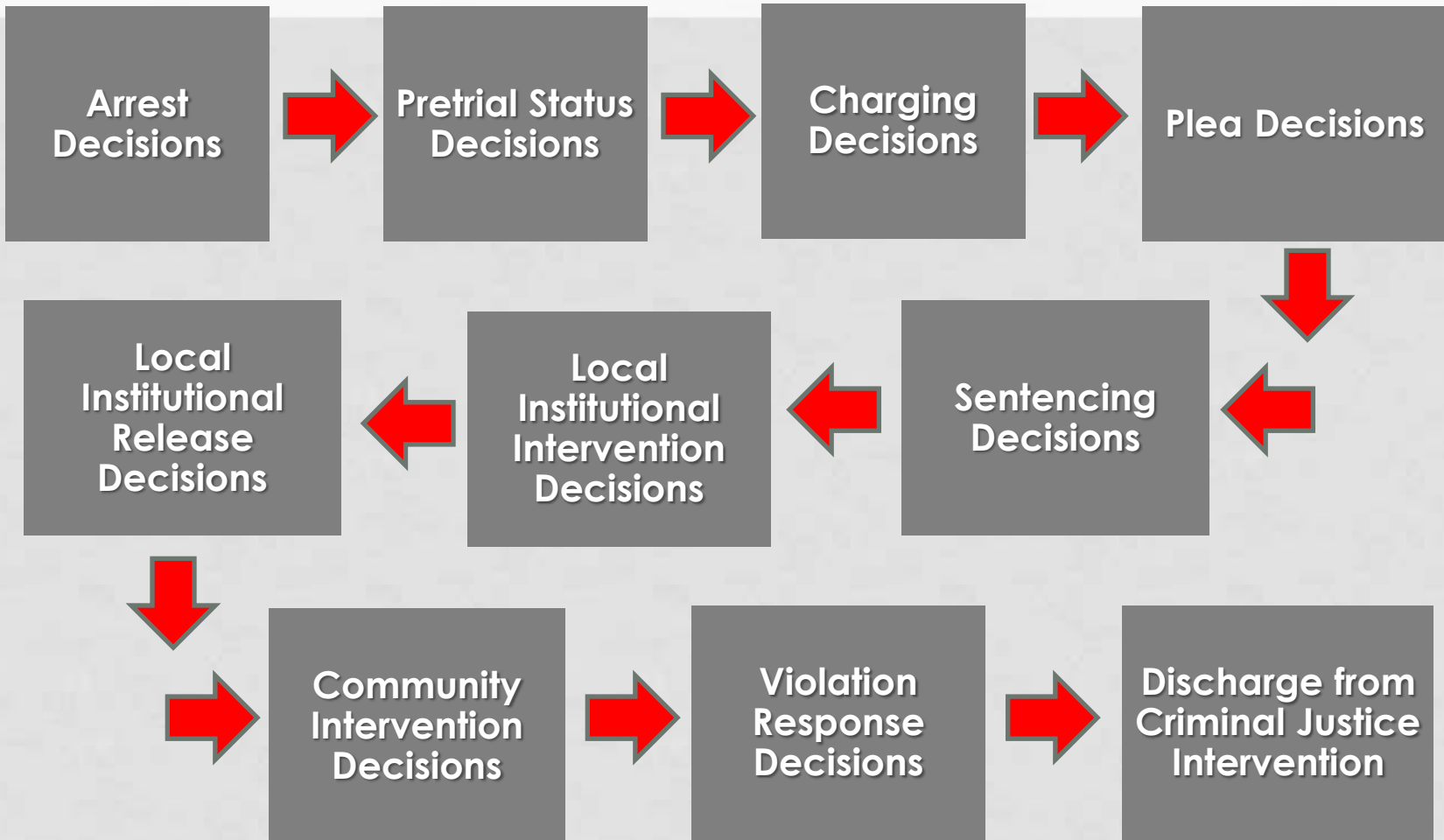
The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information

Examples: Establishment of agency and system wide performance measures; feedback loops to examine efficacy of current practice

**Where evidence is not immediately available, the justice system may need to use its own data to determine what is or is not working.**

THE FRAMEWORK EXAMINES KEY  
DECISION POINTS AND THE  
EVIDENCE TO SUPPORT DECISION  
MAKING AT EACH ONE

# KEY DECISION POINTS



# RESOURCES/TOOLS

- **The Framework:**

<http://www.cepp.com/documents/EBDM%20Framework.pdf>

- **EBDM Starter Kit:**

- Purpose: Provides guidance to sites that want to prepare to implement EBDM in their own jurisdictions
- Audience: Local, collaborative criminal justice teams

<http://ebdmoneless.org/starterkit/>

- **EBDM User's Guides:**

- Purpose: Provide guidance to specific stakeholder groups on how EBDM applies to their work, common challenges, solutions and resources

- Audience:

- Pretrial Justice
- Prosecutors
- Judges
- Defense
- Victims

Stakeholder Publications  
Site Case Studies

# EBDM SITES

- **Eau Claire County, Wisconsin**
- **Milwaukee County, Wisconsin**
- **Mesa County, Colorado**
- Grant County, Indiana
- Ramsey County, Minnesota
- Yamhill County, Oregon
- Charlottesville-Albemarle County, Virginia

# EBP CHECKLIST



1. Chose a team member to fill out the checklist
2. Talk amongst your team and determine where you fall on the checklist
3. Hand your completed lists to Tiana

# MEASURING WHAT MATTERS – WHERE TO START

One of the most fundamental ways to develop an understanding of a jurisdiction's justice system is to develop a “**system map.**”

- What is a SYSTEMS MAP?
  - Depicts the steps in the criminal justice process
  - Maps decision makers at each key decision point
    - Who makes the decisions and “how and why” are decisions made? Are they on your council?
  - Maps the amount of time it takes a case to move from one point to the next
  - Documents the volume of cases that flows through each process step/decision point
    - This may be accomplished first by noting estimated numbers and later by gathering data on a specified period of time to more precisely determine the flow and volume of cases and activities.

# WHAT CAN A MAP DO FOR YOU?

- It increases awareness of the ways in which the entire system “works” and **how different parts of the system interact with one another.** *(Most people understand quite well their own “part” of the system but have a less detailed understanding of the other parts of the system.)*
- It brings together policymakers and agency staff to articulate the decisions they make, how they arrive at those decisions, and when (at what point in the process) decisions are made.
- **It surfaces areas of interest for further inquiry.** *What areas are you going to target?*
- **It can sometimes lead to recognition of quick solutions to bottlenecks or inefficiencies.**



# EVIDENCE-BASED PRACTICE

Evidence-Based Practice in the criminal justice system is the partnership between research and practice. Research is used to determine how effective a practice is at achieving positive measurable outcomes, including reduction of recidivism and increasing public safety.

Application of EBP has been shown to reduce recidivism by up to 30% on average.

# EVIDENCE-BASED PRACTICE PYRAMID

## **GOLD**

Experimental/control research design with controls for attrition  
Significant sustained reductions in recidivism obtained  
Multiple site replications  
Preponderance of all evidence supports effectiveness

## **SILVER**

Quasi-experimental control research with appropriate statistical controls for comp  
Significant sustained reductions in recidivism obtained  
Multiple site replications  
Preponderance of all evidence supports effectiveness

## **BRONZE**

Matched comparison group without complete statistical controls  
Significant sustained reductions in recidivism obtained  
Multiple site replications  
Preponderance of all evidence supports effectiveness

## **IRON**

Conflicting findings and/or inadequate research designs

## **DIRT**

Silver and Gold research showing negative outcomes

**EBP**  
**(Gold)**

**EBP**  
**(Silver)**

**Promising EBP**  
**(Bronze)**

**Inconclusive**  
**(Iron)**

**Conclusive, Doesn't work**  
**(Dirt)**

Source: *Implementing Evidence-Based Practice in Community Corrections: The Principles of Effective Intervention*, Crime and Justice Institute

# QUESTION

**What works best to reduce recidivism?**

- A. Supervision with surveillance only
- B. Supervision and treatment
- C. Supervision with Risk, Needs, Responsivity model

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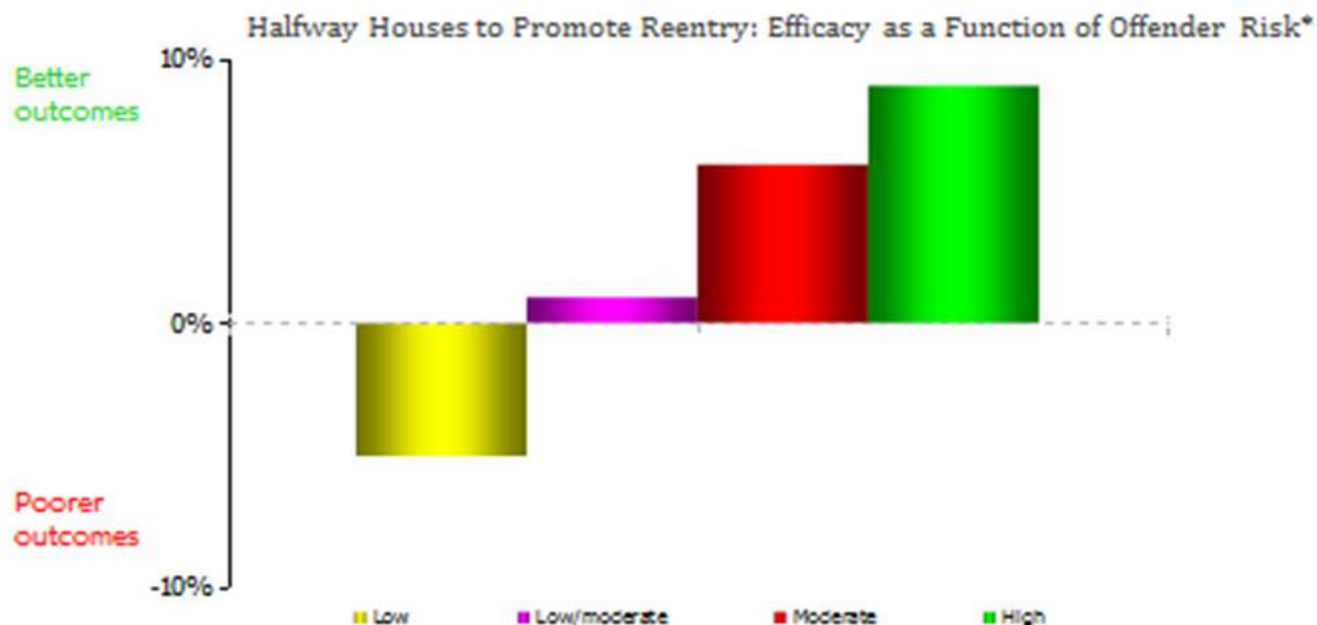
- A. Supervision with surveillance only
- B. Supervision and treatment
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# RNR

The risk-need-responsivity model states that the risk and needs of an offender should determine the strategies appropriate for addressing the individual's criminogenic factors.



## Focusing on Higher Risk Individuals - Supporting Research



\* Approx. 3,500 offenders placed in halfway houses, compared to 3,500 not placed in a halfway house

(Lowenkamp & Latessa, 2005b)

# SUPERVISION MODELS & IMPACT ON RECIDIVISM

Model	Impact
• Intensive supervision with surveillance only	• No effect
• Intensive supervision with treatment	• 10% decrease
• Supervision using the “Risk Need Responsivity” model	• 16% decrease

# QUESTION: RISK TO REOFFEND

Putting low risk offenders in programs with medium and high risk offenders will:

- A. Decrease recidivism of higher risk offenders
- B. Provide positive role models for higher risk offenders, and therefore have a “settling” effect on the group
- C. Potentially increase recidivism rates of the low risk offenders
- D. Have no real effect



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# RISK PRINCIPLE

- Match level of service to the defendant's risk of re-offending.
- Based on static factors and dynamic factors.
- High risk defendants should receive more intensive intervention; low risk should receive no/minimal intervention.
- Give low risk offenders stabilization services (i.e. housing, medical, transportation).

# RISK REDUCTION WHOM DO WE TARGET?

There is a high risk of recidivism and mostly small likelihood of rehabilitation for those who are labelled as having "psychopathy" on the basis of the PCL-R ratings in the manual for the test

Extreme  
High Risk

"We have no evidence in the literature that intensive human services with the highest risk, extremely egocentric, offenders will reduce re-offending."

Don Andrews, Ph.D.  
Summary of the LSI-R  
Training Video Series

Volume I: Theoretical Rationale  
Multi-Health Systems, Inc.

High and  
Medium Risk

"Supervision resources directed toward low-risk offenders do not reduce their risk of re-offending and may even have a negative effect."

Latessa, E (2004)  
Understanding the risk principle:  
How and why correctional  
Interventions can harm low risk  
Offenders. *Topics in Community  
Corrections-2004.*

Low Risk

# NEED PRINCIPLE

Assess criminogenic needs and target them  
in treatment.

Criminogenic needs are dynamic  
(changeable) risk factors that are proven  
through research to affect recidivism.

# QUESTION: NEEDS

Which of the following are NOT criminogenic needs?  
(check all that apply)

- A. Mental health issues
- B. Substance Abuse
- C. Family and/or marital
- D. Leisure and/or recreation

# QUESTION: NEEDS

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- A. **Mental health issues**
- B. Substance Abuse
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- D. Leisure and/or recreation

# THE BIG FOUR CRIMINOGENIC NEEDS

- Anti-social cognition
- Anti-social companions
- Anti-social personality / temperament
- Family and / or marital

# THE LESSER FOUR

- Substance abuse
- Employment
- School
- Leisure and/or recreation



# QUESTION: RESPONSIVITY

True (A) or False (B)?

- Generally, women benefit more from mixed gender groups.

**FALSE**

# QUESTION: RESPONSIVITY

True (A) or False (B)?

- Tailoring interventions to individual learning styles, motivations and abilities can maximize the offender's ability to learn from the intervention.

TRUE

# RESPONSIVITY PRINCIPLE

Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioral treatment and tailoring the intervention to the learning style, motivation, abilities, and strengths of the offender.



# PRINCIPLES OF EFFECTIVE INTERVENTION



# 1. ASSESS ACTUARIAL RISK/NEEDS

Assessing offenders' risk and needs (focusing on dynamic and static risk factors and criminogenic needs) at the individual and aggregate levels is essential for implementing the principles of best practice.

# QUESTION: ENHANCE MOTIVATION TO CHANGE

Criminal justice professionals can impact recidivism through their interactions with defendants.

A. True

B. False

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A. True

B. False

## 2. ENHANCE INTRINSIC MOTIVATION

Research strongly suggests that "motivational interviewing" techniques, rather than persuasion or interrogation tactics, effectively enhance motivation for initiating and maintaining behavior changes.

Examples:

Do I listen more than I talk?

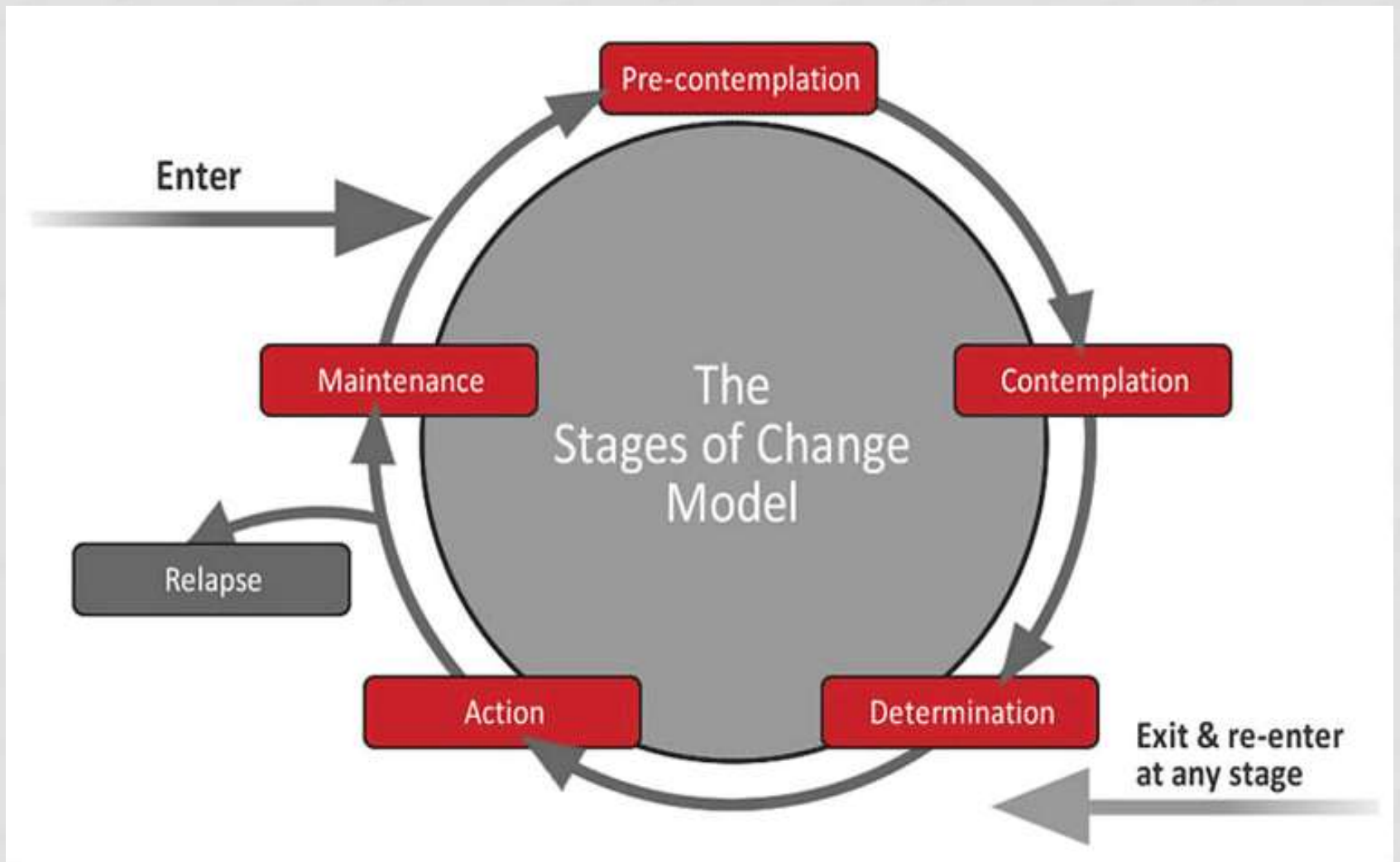
Do I encourage this person to talk about his/her reasons for not changing?



# EVERY INTERACTION IS AN OPPORTUNITY TO POSITIVELY INFLUENCE BEHAVIOR



Source: Washington State Institute for Public Policy, 2004  
Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders



Adapted from Carlo C. DiClemente and J. O. Prochaska, 1982.

### 3. TARGET INTERVENTIONS

**Risk Principle** - Prioritize supervision and treatment resources for higher risk offenders.

**Need Principle** - Target interventions to criminogenic needs.

**Responsivity Principle** - Be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs.

**Dosage** - Structure 40% to 70% of high-risk offenders' time for 3 to 9 months.

**Treatment Principle** - Integrate treatment into full sentence/sanctions requirements.

# LINK BETWEEN TREATMENT AND RECIDIVISM

Intervention	Impact on Recidivism	# Of Studies in Meta-Analysis
Sanctions alone	7% increase ↑	30
Inappropriate treatment	6% increase ↑	38
Intensive supervision (w/o treatment)	7% increase ↑	47
Appropriate treatment	30% decrease ↓	54

See: Andrews, D.A. & Bonta, J. (2006) *The Psychology of Criminal Conduct* (4<sup>th</sup> Ed.), Newark, NJ; Anderson

# “INAPPROPRIATE” TREATMENT

- Examples:
  - “One size fits all” programs (all DV perpetrators receive the same 52 week program)
  - All offenders with a drug history are ordered into drug treatment
  - Women with past trauma are placed in mixed gender treatment groups
  - Anxiety disordered individuals are placed in group treatment
  - Learning disabled persons are placed in programs that require a high degree of verbal or written acuity

# APPROPRIATE (EFFECTIVE) TREATMENT

- Programs and services that:

Target criminogenic needs (particularly the top four) of medium and high risk offenders

Match the right offender to the right service/intervention

Use a cognitive-behavioral approach

Use positive reinforcement

Match the “dosage” to the individual’s risk level

# DOSAGE AND INTENSITY (ADULTS)

	Low Risk	Moderate Risk	Moderate/ High Risk	High Risk
Dosage	Not applicable	100 hours	200 hours	300 hours
Duration	Minimal	3-6 months	6-9 months	9-18 months
Intensity	Minimal	Once/week	Twice/week	Three/week or residential

## Interventions Designed to Address Criminogenic Needs (CEPP, 2009)

CRIMINOGENIC NEEDS	EXAMPLES OF APPROPRIATE PROGRAMMATIC INTERVENTIONS	EXAMPLES OF ADDITIONAL CASE MANAGEMENT INTERVENTIONS
<b>Anti-social cognitions</b>	Cognitive behavioral programs: <ul style="list-style-type: none"> <li>- Thinking for a Change (T4C)</li> <li>- Moving On</li> <li>- Cognitive Self Change (CSC)</li> <li>- Corrective Thinking/Truthought</li> </ul>	Use of thinking reports
<b>Antisocial peers</b>	Cognitive behavioral programs: <ul style="list-style-type: none"> <li>- Thinking for a Change (T4C)</li> <li>- Moving On</li> <li>- A New Freedom: Phoenix (gangs)</li> </ul>	Referral to mentoring services (AA, NA)
<b>Coping skills (poor problem solving, impulsivity, emotional regulation)</b>	Cognitive behavioral programs: <ul style="list-style-type: none"> <li>- Aggression Replacement Therapy (ART)</li> <li>- Controlling Anger and Learning to Manage It (CALM)</li> <li>- Cognitive Self Change (CSC)</li> </ul>	Skill building exercises and role plays during one-on-one sessions
<b>Family stressors</b>	<ul style="list-style-type: none"> <li>- Domestic violence program (either 26 or 52 week class)</li> <li>- Teaching Family Model (NIMH)</li> </ul>	Referral to counseling





## 4. SKILL TRAIN WITH DIRECTED PRACTICE

Provide evidence-based programming that emphasizes cognitive-behavioral strategies and is delivered by well-trained staff.

- Practice (3-5,000 repetitions before behavior becomes automatic)
- Role play
- Provide positive feedback, rewards and incentives to reinforce behavior

# STAFF INTERACTIONS AND RECIDIVISM

Staff interaction with offender can have a profound impact on recidivism if they focus on the right issues and have time to devote to criminogenic needs

Time Devoted Per Session	Recidivism Rate
0-15 minutes	49%
20-39 minutes	36%

*See: Exploring the Black Box of Community Supervision Journal of Offender Rehabilitation, James Bonta Ph.D, et.al., Vol. 47(3), 2008. Pp. 248-270*

# QUESTION: POSITIVE REINFORCEMENT

What have studies regarding the use of rewards and incentives to reduce recidivism found?

- A. Rewards and incentives only encourage law breakers to continue their criminal lifestyles.
- B. The use of rewards and incentives has no impact on future behavior.
- C. Appropriate use of rewards and incentives reinforces and encourages future pro-social behavior.

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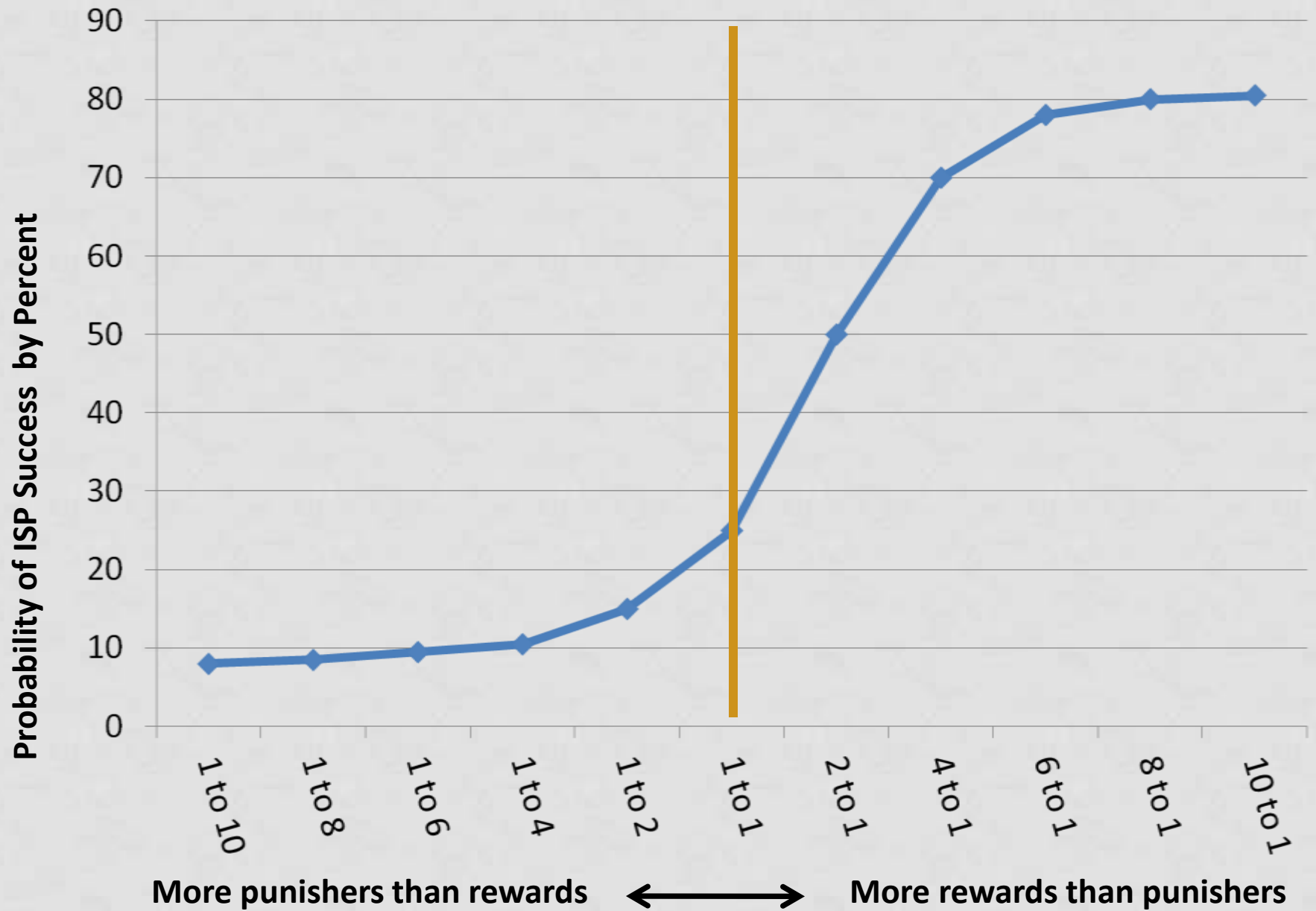
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## 5. INCREASE POSITIVE REINFORCEMENT

Apply at least four positive reinforcements for every one negative reinforcement for optimal behavior change results.



## Ratio of Rewards to Punishments



## 6. ENGAGE ON-GOING SUPPORT IN NATURAL COMMUNITIES

Realign and actively engage pro-social support for offenders in their communities for positive reinforcement of desired new behaviors.

## 7. MEASURE RELEVANT PROCESSES/PRACTICES

An accurate and detailed documentation of case information and staff performance, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice.



## 8. PROVIDE MEASUREMENT FEEDBACK

Providing feedback builds accountability and maintains integrity, ultimately improving outcomes.

# QUESTION: PUNISHMENT

True (A) or False (B)?

- The longer the period of incarceration, the higher the recidivism rate.

TRUE

# QUESTION: PUNISHMENT

True or False?

- Research shows that swift and certain interventions are more effective than the severity of the intervention.

TRUE

# PUNISHMENT

- Punishment by itself will not change criminal behavior
- Produces at best short term compliance
- Taken alone it actually increases recidivism

# RESEARCH SHOWS THAT PUNISHED OFFENDERS:

- Believe the certainty of being sanctioned in future is less than do less punished individuals, especially if they are high-risk offenders.
- Believe that punishment experience insulates them from future apprehension because they will become “smarter”.
- Believe in the “gambler’s fallacy” if they are low-risk offenders and tend to think they can get away with it the next time.

# PEOPLE WHO APPEAR TO BE RESISTANT TO PUNISHMENT

- Psychopathic risk takers
- Those under the influence of a substance
- Those with a history of being punished



# PEW CENTER ON THE STATES

According to a nationwide study by Pew's Public Safety Performance Project, the length of time served in prison has increased markedly over the last two decades. Prisoners released in 2009 served an average of nine additional months in custody, or 36 percent longer, than offenders released in 1990.

# INCREASING SENTENCE LENGTHS

According to the Wisconsin Department of Corrections, 95% of those who serve prison sentences will be released into the community.



# THE RESEARCH SAYS....

A 1999 meta-analysis reviewing 50 studies dating back to 1958 involving a total of 336,052 offenders with various offenses and criminal histories found that being incarcerated versus remaining in the community was associated with a seven percent increase in recidivism.

Gendreau, P., Goggin, C., and Cullen F., *The Effects of Prison Sentences on Recidivism*, Ottawa, Ontario, Canada: Public Works and Government Services Canada, 1999

# DETERRENCE (SPECIFIC) MAY WORK IF...

- Punishment is swift and certain and not just severe
- The time between violation and response is short
- The deterrent threat is directly communicated

Mark A. R. Kleiman and Angela Hawken, "Fixing the Parole System", Issues in Science and Technology (Summer 2008).



# MANAGING RISK

- That's what we are talking about!



## A FEW SUMMARY QUESTIONS:

Which of the following best reduces recidivism in the long run?

- A. Boot camps
- B. Yoga and meditation
- C. Incarceration
- D. Cognitive behavioral programs

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# QUESTION:

True (A) or False (B):

- Because treatment has been found to reduce recidivism, a lot of treatment is better than no treatment.

**FALSE**

# QUESTION:

True (A) or False (B):

- The type of treatment provided to address risk factors is an important consideration in reducing recidivism.

TRUE

## QUESTION :

Which is most important in reducing recidivism?

- A. Lower staff workloads
- B. Provide additional external controls
- C. Provide staff with training and skills
- D. Get more resources



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# THANK YOU...

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